

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CORTNEY DUPREE,

Plaintiff,

-against-

**STIPULATION AND  
ORDER OF DISMISSAL**

14CV4307 (PKC) (MDG)

CITY OF NEW YORK; Detective JUAN C. FERNANDEZ, Shield NO. 229; Sergeant TIMOTHY HOROHOE, Shield No. 1657; Sergeant MICHAEL VITALE, Shield No. 1840; Detective MICHAEL ARENA, Shield No. 1668; Police Officer PATRICK CHILTON, Shield No. 4779; and JOHN and JANE DOE 1 through 10, individually and in their official capacities (the names John and Jane Doe being fictitious, as the true names are presently unknown),

Defendants.

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about July 23, 2014, and thereafter filing an amended complaint on or about December 18, 2014, alleging that defendants City of New York, Detective Juan C. Fernandez, Sergeant Timothy Horohoe, Sergeant Michael Vitale, Detective Michael Arena, and Police Officer Patrick Chilton violated plaintiff's federal civil and state common law rights; and

**WHEREAS**, plaintiff now seeks to voluntarily dismiss all claims against Detective Juan C. Fernandez, Sergeant Timothy Horohoe, Sergeant Michael Vitale, Detective Michael Arena, and Police Officer Patrick Chilton;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The claims against Detective Juan C. Fernandez, Sergeant Timothy Horohoe, Sergeant Michael Vitale, Detective Michael Arena, and Police Officer Patrick Chilton in the above

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entitled action are hereby dismissed pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with prejudice, and without costs, expenses, or attorneys' fees to any party.

2. Nothing contained herein shall be deemed to be an admission by the defendants Detective Juan C. Fernandez, Sergeant Timothy Horohoe, Sergeant Michael Vitale, Detective Michael Arena, and Police Officer Patrick Chilton that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules, or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations, or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

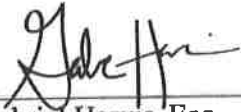
3. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

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4. This stipulation shall be binding upon the parties immediately upon signature and shall be submitted to the Court for entry as an Order.

Dated: New York, New York  
1/14, 2015

Harvis, Wright, & Fett, LLP  
*Attorneys for Plaintiff*  
305 Broadway 14<sup>th</sup> Floor  
New York, NY 10007

By:   
\_\_\_\_\_  
Gabriel Harvis, Esq.  
Attorney for Plaintiff

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants City Of New York,  
Detective Juan C. Fernandez, Sergeant  
Timothy Horohoe, Sergeant Michael Vitale,  
Detective Michael Arena, and Police  
Officer Patrick Chilton*  
100 Church Street, Rm. 3-157  
New York, New York 10007

By:   
\_\_\_\_\_  
Daniel Passeser  
Assistant Corporation Counsel

SO ORDERED:

Dated: New York, New York  
\_\_\_\_\_, 2015

\_\_\_\_\_  
HON. PAMELA K. CHEN  
UNITED STATES DISTRICT JUDGE